

Calendar No. 518

98TH CONGRESS
2D SESSION

H. R. 5873

[Report No. 98-905]

To amend chapter 93 (relating to public officers and employees) of title 18 of the United States Code to forbid the recording by Federal officers and employees of telephone conversations without the consent of all parties to such conversations.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 1984

Mr. CONYERS (for himself, Mr. EDWARDS of California, Mr. SEIBERLING, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 25, 1984

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend chapter 93 (relating to public officers and employees) of title 18 of the United States Code to forbid the recording by Federal officers and employees of telephone conversations without the consent of all parties to such conversations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That chapter 93 of title 18 of the United States Code is
2 amended by adding at the end the following:

3 **“§ 1924. Nonconsensual recording of telephone conversa-**
4 **tions**

5 “(a) Except as provided in subsection (b) of this section,
6 whoever, holding office or employment in the Federal Gov-
7 ernment, makes in the course of such office or employment a
8 sound recording of a voice conversation taking place on a
9 telephone, without the consent of all parties to that conversa-
10 tion, shall be fined not more than \$100,000 or imprisoned not
11 more than one year, or both.

12 “(b) This section does not apply to a recording made by
13 an individual—

14 “(1) who is empowered by law to conduct investi-
15 gations of or make arrests for criminal offenses while
16 such individual is engaging in such an investigation or
17 arrest;

18 “(2) engaged in foreign intelligence or counterin-
19 telligence work;

20 “(3) of a telephone search warrant request as re-
21 quired under the Federal Rules of Criminal Procedure;
22 or

23 “(4) in the usual course of duty of an incoming
24 call to report an emergency to a number publicly es-
25 tablished for emergency calls, if the appropriate agency

3

1 has determined that the public interest requires that
2 such recordings be made.”.

3 SEC. 2. The table of sections at the beginning of chapter
4 93 of title 18 of the United States Code is amended by
5 adding at the end the following new item:

“1924. Nonconsensual recording of telephone conversations.”.

6 SEC. 3. This Act and the amendments made by this Act
7 shall take effect 90 days after the date of the enactment of
8 this Act.

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